

Message Text

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ORIGIN ARA-10

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-----011450Z 009209 /45
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FM SECSTATE WASHDC
TO AMEMBASSY LA PAZ IMMEDIATE

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E.O. 11652: N/A

TAGS: CASC, BL

SUBJECT: AMERICAN PRISONERS IN BOLIVIA

1. TO DATE, BOLIVIAN COURTS HAVE NOT RESOLVED ANY CASES
OF US CITIZENS, IN THOSE CATEGORIES PREVIOUSLY INDICATED
BY BOLIVIAN GOVERNMENT ITSELF AS BEING OF PRIORITY CONCERN.
WE ARE FULLY AWARE OF EXTRAORDINARY EFFORT MADE BY EMBASSY
IN RECENT WEEKS TO MOVE BOLIVIAN EXECUTIVE AND JUDICIAL
AUTHORITIES TOWARD AN AWARENESS OF OUR URGENT DESIRE FOR
RESOLUTION OF THESE LONG-STANDING CASES. EMBASSY'S EFFORTS,
AND MANY RESULTING SIGNS OF FORWARD MOVEMENT, ARE DEEPLY
APPRECIATED BY ALL HERE WHO ARE WORKING WITH YOU ON THIS
DELICATE AND SENSITIVE MATTER.

2. WHILE RESPONSE OF BOLIVIAN OFFICIALS, ON A RHETORICAL
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PLANE, HAS BEEN EXCELLENT, WE SEE FEW SIGNS OF VISIBLE
PROGRESS TOWARD SOLUTION OF INDIVIDUAL CASES, DESPITE
NUMBER OF HEARINGS HELD RECENTLY. NO INDIVIDUAL PRISONER
CASE HAS YET BEEN RESOLVED, OVER TWO MONTHS AFTER PROMUL-
GATION OF NEW NARCOTICS LAW. BOLIVIAN JUSTICE CONTINUES
TO PROCESS CASES AT A PACE WHICH SEEMS LEISURELY BY ANY
OBJECTIVE STANDARD. NEWLY-APPOINTED JUDGES HAVE NOT TAKEN

OFFICE, NOR HAS COURTROOM SPACE BEEN FOUND. PLEDGES BY SEVERAL OFFICIALS AND JUDGES THAT PARTICULAR CASES WOULD

BE RESOLVED "SHORTLY" REMAIN UNFULFILLED. OF GREATEST CONCERN TO US, HOWEVER, IS APPARENT UNWILLINGNESS OF BOLIVIAN JUDGES TO CONCENTRATE ON CASES MOST SUSCEPTIBLE TO PROMPT RESOLUTION AND TERMINATE THESE IN SHORTEST POSSIBLE TIME. THIS SITUATION IS PRODUCING A CONTINUING DENIAL OF JUSTICE FOR MANY AMERICANS CITIZEN PRISONERS WHO ALREADY HAVE SUFFERED INORDINATELY LENGTHY DETENTION WITHOUT SENTENCING.

3. ACTION REQUESTED: EMBASSY IS REQUESTED TO MAKE RE-NEWED ROUND OF CONTACTS WITH JUDGES AND APPROPRIATE OFFICIALS OF EXECUTIVE BRANCH, TO URGE PROMPT, CONCERTED ACTION ON CASES WHICH MAY PERMIT OF SPEEDY RESOLUTION IN A MATTER OF DAYS. HUMANITARIAN AND POLITICAL URGENCY OF ACHIEVING JUST SOLUTION IN COMPELLING CASES AT EARLIEST POSSIBLE MOMENT SHOULD BE STRESSED. EMBASSY ALSO SHOULD CITE LOGAN-BLUM CASE AND OTHERS, IN WHICH OPENING HEARINGS FOR INDIVIDUAL US CITIZENS INVOLVED IN CASE WERE SEPARATED BY UNNECESSARILY LENGTHY PERIODS OF TIME. EMBASSY SHOULD REQUEST THAT JUDGES USE THEIR DISCRETIONARY AUTHORITY TO TERMINATE CASES EARLY IN PROCEEDINGS, IF EVIDENCE APPEARS TO BE WEAK OR CONVICTION UNLIKELY.

4. EMBASSY SHOULD ALSO POINT OUT THAT MID-WINTER RECESS OF BOLIVIAN JUDICIAL SYSTEM WILL TAKE PLACE WITHIN A FEW MONTHS. US GOVERNMENT IS OF STRONG OPINION THAT ALL LIMITED OFFICIAL USE

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REPEAT ALL PENDING CASES OF US CITIZENS UNDER BOLIVIAN NARCOTICS LAW SHOULD BE RESOLVED PRIOR TO THAT RECESS, IN ORDER TO AVOID FURTHER OR NEW DENIALS OF JUSTICE. IF BOLIVIAN COURTS ARE, IN FACT, GIVING PRIORITY ATTENTION TO CASES OF US CITIZENS, IT SHOULD NOT BE IMPOSSIBLE FOR NEWLY-INCREASED NUMBER OF JUDGES TO DECIDE CASES OF THESE THIRTYTHREE AMERICANS MANY OF WHOM HAVE WAITED FAR TOO LONG ALREADY FOR A DECISION.

5. PLEASE REPORT RESULTS OF THESE INITIATIVES SOONEST.

CHRISTOPHER

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Disposition Approved on Date:
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